

SENATE BILL

No. 3

Introduced by Senator Speier

May 12, 2005

An act to amend Sections 21175 and 21192 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as introduced, Speier. Disability retirement: medical examinations.

(1) Under the Public Employees' Retirement System, if a recipient of a disability retirement allowance who is under the minimum age for voluntary retirement for service applicable to members of his or her class refuses to submit to a medical examination, the pension portions of his or her allowance may be discontinued until his or her withdrawal of the refusal, or canceled if the refusal continues for one year.

This bill would provide that if a recipient of a disability retirement allowance who is over the minimum age for voluntary retirement for service applicable to members of his or her class, and who has been receiving a retirement allowance for less than 36 months, refuses to submit to a medical examination, the pension portions of his or her allowance may be discontinued until the withdrawal of the refusal.

(2) The Board of Administration of the Public Employees' Retirement System, or in the case of a local safety member, the governing body of the employer from whose employment the person was retired, as specified, may require any recipient of a disability retirement allowance under the minimum age for voluntary retirement for service applicable to members of his or her class to undergo medical examination, as specified.

This bill would provide that a recipient of a disability retirement who is over the minimum age for voluntary retirement for service applicable to members of his or her class, and has been receiving a retirement allowance for less than 36 months, may be subject to that requirement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21175 of the Government Code is
2 amended to read:

3 21175. If any recipient of a disability retirement allowance
4 under the minimum age for voluntary retirement for service
5 applicable to members of his or her class refuses to submit to
6 medical examination, the pension portions of his or her
7 allowance may be discontinued until his or her withdrawal of the
8 refusal. *If any recipient of a disability retirement allowance who*
9 *is over the minimum age for voluntary retirement for service*
10 *applicable to members of his or her class, and who has been*
11 *receiving a disability retirement allowance for less than 36*
12 *months, refuses to submit to a medical examination, the pension*
13 *portions of his or her allowance may be discontinued until his or*
14 *her withdrawal of the refusal.* If the refusal continues for one
15 year—~~his or her~~, the disability retirement allowance may be
16 canceled.

17 SEC. 2. Section 21192 of the Government Code is amended
18 to read:

19 21192. The board, or in case of a local safety member, other
20 than a school safety member, the governing body of the employer
21 from whose employment the person was retired, may require any
22 recipient of a disability retirement allowance *who is* under the
23 minimum age for voluntary retirement for service applicable to
24 members of his or her class *or who is over the minimum age for*
25 *voluntary retirement for service applicable to members of his or*
26 *her class and has been receiving a retirement allowance for less*
27 *than 36 months* to undergo medical examination, and upon his or
28 her application for reinstatement, shall cause a medical
29 examination to be made of the recipient who is at least six
30 months less than the age of compulsory retirement for service

1 applicable to members of the class or category in which it is
2 proposed to employ him or her. The board, or in case of a local
3 safety member, other than a school safety member, the governing
4 body of the employer from whose employment the person was
5 retired, shall also cause the examination to be made upon
6 application for reinstatement to the position held at retirement or
7 any position in the same class, of a person who was incapacitated
8 for performance of duty in the position at the time of a prior
9 reinstatement to another position. The examination shall be made
10 by a physician or surgeon, appointed by the board or the
11 governing body of the employer, at the place of residence of the
12 recipient or other place mutually agreed upon. Upon the basis of
13 the examination, the board or the governing body shall determine
14 whether he or she is still incapacitated, physically or mentally,
15 for duty in the state agency, the university, or contracting agency,
16 where he or she was employed and in the position held by him or
17 her when retired for disability, or in a position in the same
18 classification, and for the duties of the position with regard to
19 which he or she has applied for reinstatement from retirement.

O